

AN ORDINANCE BY

FINANCE AND EXECUTIVE COMMITTEE

07-0-1368

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE FOUR PARCELS OF PROPERTY, LOCATED AT WALNUT STREET AND GRAVES STREET, FROM THE CONCERNED BLACK CLERGY ("THE VINE CITY CBC PROPERTY"), IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 1B09-573002-T31Z07029999, WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY CBC PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.

WHEREAS, in order to encourage the redevelopment of the Western downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia ("City Council") adopted Resolution 92-R-1575 on December 7, 1992, and signed by the Mayor on December 15, 1992 (the "Original Westside TAD Resolution") which, among other things, (i) created the Techwood Park Urban Redevelopment Area and Tax Allocation District Number One – Atlanta/Techwood Park (the "Original Westside Redevelopment Area and TAD"), and (ii) adopted the Techwood Park Urban Redevelopment Plan (the "Original Westside Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. 36-44-1, et seq. (the "Act"); and

WHEREAS, pursuant to Resolution 98-R-0777, adopted by the City Council on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended – Atlanta/Westside" (the "TAD"), and (ii) amended the Original Westside Redevelopment Plan and renamed same "The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)" (the "Redevelopment Plan"), all as provided under the Act; and

WHEREAS, the City has previously appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan and for other purposes, including, without limitation, serving as agent for the City with respect to the hereinafter defined Vine City Park Project; and

WHEREAS, on September 21, 2006, the Board of Directors of ADA approved an allocation of \$600,000 from the "Westside TAD Neighborhood Fund" Allocation (the "Initial Vine City Park Allocation"), derived from the proceeds of those certain City of Atlanta Tax Allocation District Bonds (Westside Project), Series 2005A (the "Westside TAD Bonds"), for the purpose of funding the City's plan to undertake the construction and equipping of the Vine City Park within the Vine City area of the Westside TAD (the "Vine City Park Project"), in order to improve the prospect and redevelopment potential of the neighborhoods located within said area of the Westside TAD; and

WHEREAS, on November 20, 2006, the City Council adopted Resolution 06-R-2616 and the Mayor approved on November 28, 2006, approving the Initial Vine City Park Allocation and the undertaking of the Vine City Park Project (the "City Approving Resolution") and the negotiation, execution and delivery of an Intergovernmental Agreement by and between the City and ADA in connection therewith (the "Vine City Park Agreement"), a copy of which City Approving Resolution is attached hereto as Exhibit "A"; and

WHEREAS, on April 19, 2007, the Board of Directors of ADA adopted a Resolution relating to the provision of an additional allocation of \$300,000 in support of the Vine City Park Project (the "Additional Vine City Park Allocation") payable out of amounts available from the Westside TAD Neighborhood Fund, a copy of which ADA resolution is attached hereto as Exhibit "B"; and

WHEREAS, the City desires to acquire the herein described "Vine City CBC Property" located on Walnut Street and Graves Street, Parcel Identification Numbers 14-0083-0004-077, 14-0083-0004-078, 14-0083-0004-090 and 14-0083-0004-091 from the Concerned Black Clergy in order to expand the existing Vine City Park; and

WHEREAS, purchasing the Vine City CBC Property is consistent with the City's goals of greenspace acquisition, preservation and park expansion, and the purposes and intent of the Act and the Westside TAD Neighborhood Fund; and

WHEREAS, the City Council of the City, after full review and consideration of the information available to it, has determined that it is in the best interest of the City to authorize the use of the Additional Vine City Park Allocation, as identified above, for the

purpose of funding the acquisition of the Vine City Park CBC Property, and to authorize the execution of an amendment, if required, to that certain Vine City Park Agreement to reflect the authorization of such additional funding and the expansion of the Vine City Park Project.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with the Concerned Black Clergy, the current owner of the Vine City CBC Property, to purchase real property located on Graves Street and Walnut Street, Parcel Identification Numbers 14-0083-0004-077, 14-0083-0004-078, 14-0083-0004-090 and 14-0083-0004-091.

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Vine City CBC Property (as identified in Section 1 above). In addition, the Chief Procurement Officer, or his or her designee, is authorized to obtain and pay for those items and services necessary to purchase the Vine City CBC Property, including but not limited to title insurance, real estate service fees, fencing, closing costs and other costs of acquisition (the "City's Due Diligence and Purchase Services").

SECTION 3: The City's Purchase Price, plus Closing Costs, Development Costs, and Due Diligence and Purchase Services, in an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), shall be paid from Fund, Account, and Center Number 1B09-573002-T31Z07029999 Westside Tad Fund/Construction in Progress/Westside Tad 2005, established by the City pursuant to Amended Ordinance 06-O-2121, enacted by the City Council on October 14, 2006, and approved by the Mayor on October 24, 2007.

SECTION 4: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Vine City CBC Property, as provided in the Vine City Park Agreement.

SECTION 5: The City's Greenspace Acquisition Consultant ("the Consultant") is authorized to settle the acquisition of the Vine City CBC Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 6: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived, for purposes of the Vine City Park Project only, to

allow the purchase of the Vine City CDC Property, on behalf of the City, without further authorization by the City Council.

SECTION 7: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the City Law Department deems to be necessary or advisable in order to carry out the purposes and intent of this Ordinance.

SECTION 8: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry out the purposes and intent of this Ordinance.

SECTION 9: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, and approved as to form by the City Attorney.

SECTION 10: The Mayor is hereby authorized to execute and deliver an amendment to the Intergovernmental Agreement reflecting the authorization of the use of the additional funding for the Vine City Park Project and the expansion of the Vine City Park Project as contemplated herein.

SECTION 11: Any and all actions already taken or to be taken by the officers, directors, agents and staff of the City or ADA which are consistent with this Ordinance are hereby authorized, ratified and approved, as applicable, in all respects.

SECTION 12: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict. All resolutions and parts of resolutions in conflict herewith are hereby waived, but only to the extent of such conflict.

SECTION 13: This Ordinance shall be effective immediately upon its enactment.

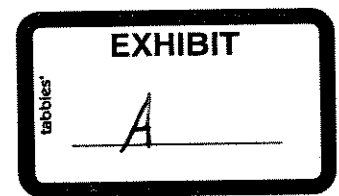


EXHIBIT A – LIST OF APPROVED NEIGHBORHOOD PROJECTS

**2007 Westside Tax Allocation District Neighborhood Fund #2
Recommended Projects**

Project	TAD Request	ADA Staff and TAD Committee Recommendation	Neighborhood Advisory Board Recommendation	Comments
1 Vine City Park Expansion Acquisition and Development	\$300,000	\$300,000	\$300,000	1. Approval from VCCA Board 2. Letters of support from land owners in the path of progress
9 Vine Square	\$600,000	\$600,000	\$600,000	1. Construction cost guarantee maximum price by General Contractor 2. Third party consultant to review plans 3. Developer to demonstrate 1 year operating reserve
*Proctor Village	*\$1,712,870	*\$1,712,870	*\$1,712,870	1. Developer team requests an additional 60 day extension from original extension expiration date of March 21, 2007 2. Staff recommends a 90 day extension to expire June 21, 2007
Total	\$900,000.00	\$900,000.00	\$900,000.00	

*TAD request amount not reflective in aggregate total.

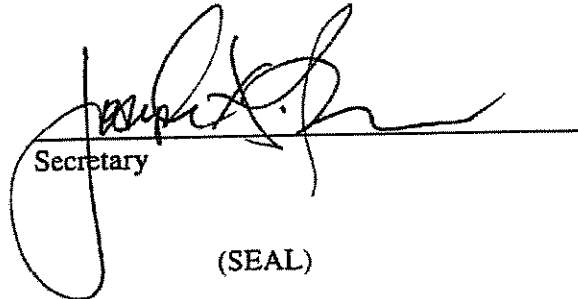
Revision

SECRETARY'S CERTIFICATE

I, Joseph A. Brown, the duly appointed, qualified, and acting Secretary of the Atlanta Development Authority ("ADA"), do hereby certify that the foregoing pages of typewritten matter constitute a true and correct copy of a Resolution adopted on April 19, 2007, by the members of the Board of Directors of ADA in a meeting duly called and assembled, after due and reasonable notice was given in accordance with applicable laws and with the procedures of ADA, by a vote of a majority of the directors present and voting, which meeting was open to the public and at which a quorum was present and acting throughout and that the original of the foregoing Resolution appears of public record in the Minute Book of ADA, which is in my custody and control.

I further certify that such Resolution has not been rescinded, repealed or modified.

Given under my signature and seal of ADA, this 19th day of April, 2007.


Secretary
(SEAL)

A RESOLUTION OF THE ATLANTA DEVELOPMENT AUTHORITY ("ADA") RELATING TO THE PROVISION OF TAX ALLOCATION DISTRICT FUNDING SUPPORT FOR VARIOUS REDEVELOPMENT PROJECTS WITHIN THE WESTSIDE TAX ALLOCATION BOND DISTRICT, NUMBER 1, AS AMENDED - ATLANTA/WESTSIDE FROM THE "NEIGHBORHOOD ALLOCATION"; AND FOR OTHER PURPOSES

WHEREAS, in order to encourage the redevelopment of the western downtown area of the City of Atlanta, Georgia, the City Council of the City of Atlanta, Georgia (the "City"), by Resolution 92-R-1575, adopted on December 7, 1992, and signed by the Mayor on December 15, 1992 (the "Original Westside TAD Resolution"), among other things, (i) created the Techwood Park Urban Redevelopment Area and Tax Allocation District Number One - Atlanta/Techwood Park (the "Original Westside Redevelopment Area and TAD"), and (ii) adopted the Techwood Park Urban Redevelopment Plan (the "Original Westside Redevelopment Plan") pursuant to the authority granted to the City under the Redevelopment Powers Law, O.C.G.A. § 36-44-1, et seq. (the "Act"); and

WHEREAS, pursuant to Resolution 98-R-0777, adopted by the City Council of the City on July 6, 1998, and approved by the Mayor on July 15, 1998, the City, among other things, (i) expanded the Original Westside Redevelopment Area and TAD and renamed the tax allocation district "The Westside Tax Allocation Bond District, Number 1, As Amended - Atlanta/Westside" (the "TAD"), and (ii) amended the Original Westside Redevelopment Plan and renamed same the "The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended - Atlanta/Westside)" (the "Redevelopment Plan"), all as provided under the Act; and

WHEREAS, the City has appointed the Atlanta Development Authority ("ADA") as the City's redevelopment agency pursuant to the Act for the purpose of implementing the redevelopment initiatives set forth in the Redevelopment Plan, and for other purposes, including, without limitation, implementing the neighborhood project funding mandate of the City from the "Neighborhood Allocation;" and

WHEREAS, ADA staff and the Westside TAD Neighborhood Advisory Board (the "WTAD Advisory Board") have each reviewed various applications for funding from the approximately \$2,500,000 in available Neighborhood Allocation; and

WHEREAS, the Board of Directors of ADA, after full review and consideration of the recommendations of ADA Staff, and taking into consideration the advice of the WTAD Advisory Board, has determined that it is in the best interest of ADA to approve the "Neighborhood Projects" in the applicable not to exceed amounts and subject to the other conditions (as applicable) set forth in Exhibit A attached hereto and by this reference made a part hereof and to decline funding of the proposed projects (the "Declined Projects") as set forth in Exhibit B attached hereto and by this reference made a part hereof; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of ADA hereby (i) approves the funding of each of the Neighborhood Projects in the applicable not to exceed amounts and subject to the other conditions (as applicable) set forth in Exhibit A; provided, however, that such support shall be solely from the Neighborhood Allocation; (ii) declines funding of the Declined Projects set forth in Exhibit B; and (iii) authorizes the Chair, Vice Chair or President of ADA to negotiate, execute and deliver a development, funding or other similar agreement, in a form deemed satisfactory to such officer and legal counsel to ADA, with each developer of the approved Neighborhood Projects setting forth the terms and conditions relating to the Neighborhood Allocation funding support.

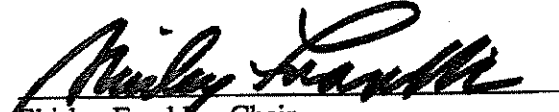
BE IT FURTHER RESOLVED, that the officers and staff of ADA are hereby authorized and empowered to take such other actions and to execute for and on behalf of ADA such other documents, agreements, instruments, disbursements, affidavits, approvals and certificates as may be necessary or desirable, in his or her sole discretion, to fully reflect the approval of the funding support for the Neighborhood Projects, as herein approved.

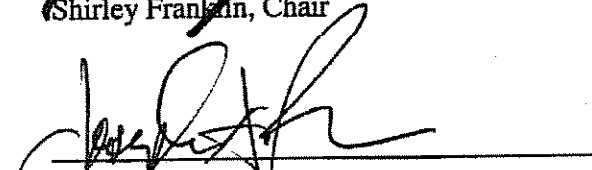
BE IT FURTHER RESOLVED, that any and all actions already taken or to be taken by the officers, directors and staff of ADA which are consistent with this Resolution are hereby authorized, ratified and approved, as applicable, by the Board of Directors of ADA.

BE IT FURTHER RESOLVED, that any and all resolutions or parts of resolution previously adopted by ADA which are in conflict with this Resolution be and the same are hereby repealed.

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon its adoption by the Board of Directors of ADA.

Acknowledged and approved by the Atlanta Development Authority this 19th day of April, 2007.


Shirley Franklin, Chair


Secretary

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance and Executive

Caption: AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE FOUR PARCELS OF PROPERTY, LOCATED AT WALNUT STREET AND GRAVES STREET, FROM THE CONCERNED BLACK CLERGY ("THE VINE CITY CBC PROPERTY"), IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 1B09-573002-T31Z07029999, WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY CBC PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.

Council Meeting Date: July 16, 2007

Requesting Dept.: Parks, Recreation, and Cultural Affairs

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to expand the existing Vine City Park in accordance with the Vine City Redevelopment Plan by acquiring four parcels on Walnut Street and Graves Street from the Concerned Black Clergy.

2. Please provide background information regarding this legislation.

Based on the Vine City Redevelopment Plan, the Vine City Park Master Visioning Plan completed by Park Pride and the City's goal to increase parks greenspace, the Atlanta Development Authority approved this acquisition and development project as a part of the Westside Neighborhood Fund Allocation in an amount not to exceed \$300,000.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) Source Selection:**
- (c) Bids/Proposals Due:**
- (d) Invitations Issued:**
- (e) Number of Bids:**
- (f) Proposals Received:**
- (g) Bidders/Proponents:**
- (h) Term of Contract:**

4. Fund Account Center: WESTSIDE TAD FUND 1B09 CONSTRUCTION IN PROGRESS 573002
WEST SIDE TAD 2005 T31Z07029999 (Please verify the correct FAC language, if needed)

5. Source of Funds: Westside TAD Neighborhood Fund Allocation

6. Fiscal Impact: This legislation will result in a reduction in an amount not to exceed \$300,000 to the Westside TAD Neighborhood Fund WESTSIDE TAD

FUND 1B09 CONSTRUCTION IN PROGRESS 573002 WEST SIDE TAD 2005
T31Z07029999

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Ellen Wickersham

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Terry Grandison



Contact Number: (404) 330-6946

Originating Department: Parks, Recreation, and Cultural Affairs

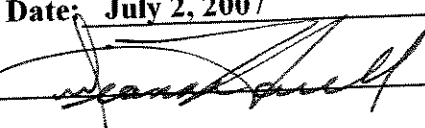
Committee(s) of Purview: Community Development and Human Resources

Council Deadline: June 11, 2007

Anticipated Committee Meeting Date(s): June 26, 2007

Anticipated Full Council Date: July 2, 2007

Commissioner Signature



Chief Procurement Officer Signature

CAPTION


AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE FOUR PARCELS OF PROPERTY, LOCATED AT WALNUT STREET AND GRAVES STREET, FROM THE CONCERNED BLACK CLERGY ("THE VINE CITY CBC PROPERTY"), IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING VINE CITY PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 1B09-573002-T31Z07029999, WESTSIDE TAD FUND/CONSTRUCTION IN PROGRESS/WESTSIDE TAD 2005, WHICH ACCOUNT HAS BEEN FUNDED FROM THE WESTSIDE TAD NEIGHBORHOOD FUND ALLOCATION APPROVED BY THE ATLANTA DEVELOPMENT AUTHORITY ("ADA"); APPROVING CONFORMING CHANGES TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND ADA RELATING TO THE VINE CITY PARK OF WHICH THE VINE CITY CBC PROPERTY WILL FORM A PART; AND FOR OTHER PURPOSES.

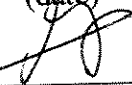
FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 6.26.07 
(date)

Reviewed by: 
(date)